

**REMARKS**

Claims 1, 2, 14, 23, 25, 27 and 28 are pending in this Application. Of these claims, claims 1, 2, 14 and 23 are allowable and claims 25, 27 and 28 have been withdrawn from consideration. By this Amendment, claims 23, 25, 27 and 28 have been amended.

Amendments to claims 23, 25, 27 and 28 were made to make clearer the present invention and not for reasons related to patentability. No new matter is added by any of these amendments.

Applicants also continue to request that upon allowance of any of the product claims, that claims 25, 27 and 28, directed to method of using the claimed product, should also be rejoined in addition to claim 23.

The Examiner improperly closed prosecution of this case. When the Reply to the Final Office Action filed 6 October 2003 and placed product claims 1, 2 and 14 into an allowable condition, this automatically triggered the rejoinder of claims 23, 25, 27 and 28. If, as alleged, these claims raised new issues, i.e. 112, first and second paragraph rejections, then the Examiner should have **NOT** entered the amendments to claims 1, 2, 14 and 23, but instead not enter any of the proposed amendments. However, the Examiner did and applicants should now be able to request entry of proposed amendments to claims 23, 25, 27 and 28 since the Examiner improperly closed prosecution of this case.

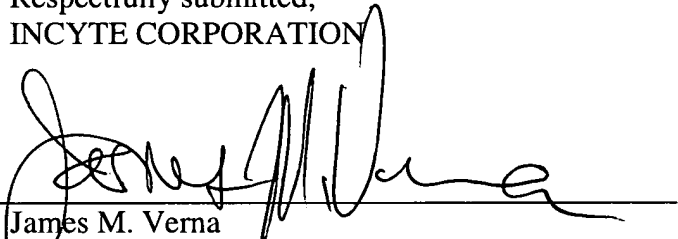
**CONCLUSION**

In light of the above remarks, Applicants submit that the present application is fully in condition for allowance, and request that the Examiner withdraw the outstanding objections/rejections. Early notice to that effect is earnestly solicited.

If the Examiner contemplates other action, or if a telephone conference would expedite allowance of the claims, Applicants invite the Examiner to contact the undersigned.

The Commissioner is hereby authorized to charge Deposit Account No. **09-0108** the amount of \$950.00 as set forth in the accompanying transmittal letter. If the Commissioner determines that additional fees are due or that an excess fee has been paid, the Patent Office is authorized to debit or credit (respectively) Deposit Account No. **09-0108**.

Respectfully submitted,  
INCYTE CORPORATION

A handwritten signature in black ink, appearing to read 'James M. Verna', is written over a horizontal line.

Date: 30 April 2004

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